

j1046 U.S. PTO
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08/11/01

Applicants: Christophe Schilling
and David Letscher

) Group Art Unit: TBD

) Examiner: TBD

Atty's Docket No.: UCSD 99-093

AFFIDAVIT, AND PETITION UNDER 37 CFR 1.47(a)

Dear Sir:

My sole joint co-inventor cannot be found or reached after diligent effort.

I petition under 37 CFR 1.47(a) for acceptance of the above-identified application, filed contemporaneously with this AFFIDAVIT, on behalf of (i) myself as a signing inventor, and of my (ii) (sole and only) co-inventor Mr. David Letscher as a non-signing inventor.

[Furthermore, the invention of the present application was made during the employment of myself and my co-inventor at the University of California, San Diego, and I agreed in writing, and to the best of my knowledge Mr. Letscher did also, as part of the conditions for our respective individual employments to assign our invention to the REGENTS OF THE UNIVERSITY OF CALIFORNIA. This present Petition to permit filing is **not** by the putative assignee THE REGENTS OF THE UNIVERSITY OF CALIFORNIA under 37 CFR 1.47(b). However, the fact that this **particular** petition is by myself as inventor 37 CFR 1.47(a) does **not** mean that such a Petition under 37 CFR 1.47(b) to accept the accompanying oath or declaration executed by me as Rule 47 applicant on behalf of my non-signing co-inventor could not be made. Indeed, as far as I am concerned, such an (alternative) Petition **could** be made with my agreement.]

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This my Petition and Affidavit contain hereinafter the proof of the pertinent facts of my diligent efforts made, the required fee, and the last known address of the non-signing inventor.

Namely, I hereby state as facts in support of this my Petition Under 37 CFR 1.47(a).

1. My non-signing co-inventor Mr. David Letscher could not be found or reached after my diligent efforts including (i) repeated telephone calls to his last known telephone (then) 405-744-6540; (ii) mail to his last known address (then) Mr. David Letscher, 1508 Shalamar Dr., Stillwater, OK 74074; and (ii) e-mail to his last known e-mail address (then) letscher@math.okstate.edu; all in the period between November 3, 2000 and the date entered below.

2. Per the above, the last known address of my non-signing co-inventor was Mr. David Letscher, 1508 Shalamar Dr., Stillwater, OK 74074. No response has been received from U.S. mail, forwarding both authorized and solicited, directed to my co-inventor at this address.

3. I have checked with our former mutual acquaintances, and our former mutual employer the University of California, San Diego, and no one nor any entity has any knowledge of the whereabouts of my co-inventor Mr. Letscher.

4. I, Christophe Schilling, sign the 37 CFR 1.63 Declaration on behalf of myself and on behalf of my non-signing co-inventor.

As an inventor signing below I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature:

First Inventor:

Citizenship:

Post Office Address:

Date:

Christophe Schilling

Christophe Schilling

U.S.A.

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August 2, 2001